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[1] one to two jobs per year for Air Base?

[2] A. If that. That's not a definite. It was  
[3] if that. I mean, there was sometimes there  
[4] would be a year go by where we didn't do no  
[5] work for them.

[6] Q. When you were working at the Lomax Carpet  
[7] address, was it your understanding that you  
[8] were doing work for Air Base?

[9] MR. MINTZER: Objection.

[10] BY MR. CASEY:

[11] Q. It was your understanding that when you  
[12] were working at the Lomax Carpet address you  
[13] were doing work for Air Base; is that correct?

[14] MR. MINTZER: Objection.

[15] MR. SMALL: Objection to the form,  
[16] but you can answer.

[17] THE WITNESS: Correct, yes.

[18] BY MR. CASEY:

[19] Q. Who hired you to do the job at the 3220  
[20] Coachman Road address for August 30, 2002?

[21] A. That was John Manger.

[22] Q. It's the same John Manger who was  
[23] construction manager for Air Base?

[24] A. Correct.

[1] anything with jurisdiction in  
[2] Pennsylvania?

[3] MR. CASEY: I can find out who he  
[4] talked to and who hired him for the job  
[5] and who he interacted with, pursuant to  
[6] specific jurisdiction.

[7] MR. SMALL: He answered that  
[8] question.

[9] MR. CASEY: He told me who hired  
[10] him. I want to know if he was there for  
[11] a few days, with whom he had  
[12] conversations. That does relate  
[13] potentially to specific jurisdiction.  
I'm not going to ask him about the event  
itself. I'm going to ask about his work  
there and who was controlling it.  
That's what I want to know.

[14] MR. SMALL: That's fine, but again  
[15] that is a different question.

[16] MR. CASEY: If you would let me just  
[17] finish I think you will understand why  
[18] I'm asking the question. I'm not  
[19] getting into the substance of the event,  
[20] all right.

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[1] Q. He's the same gentleman who hired you to  
[2] work at Lomax Carpet Mart?

[3] A. That's correct.

[4] Q. On what day, sir, did the work begin for  
[5] that project, do you remember?

[6] A. No, sir.

[7] Q. My question is not perfectly clear. The  
[8] incident in question, do you understand,  
[9] occurred on August 30, 2002. Do you understand  
[10] that to be the case, sir?

[11] A. Yes, correct.

[12] Q. For how many days prior to August 30,  
[13] 2002, if any, were you folks from Ashland  
[14] Construction Company, Inc. on the premises?

[15] MR. SMALL: Again, I'm going to  
[16] object and instruct him not to answer.

[17] This is not going to the jurisdiction  
[18] argument. This is going to the  
[19] substance of the case, Matt.

[20] MR. CASEY: Mike, I'm not going to  
[21] get into the substance of the case. It  
[22] will relate to --

[23] MR. SMALL: How does how many days  
[24] he worked at a Delaware address get into

[1] MR. SMALL: That's fine.

[2] BY MR. CASEY:

[3] Q. Sir, were you there for any period of  
[4] days prior to August 30, 2002?

[5] A. Now I don't understand the question.

[6] Q. Sure. The event occurred on August 30,  
[7] 2002. You understand that?

[8] A. We're talking about at 3220 Coachman  
[9] Road?

[10] Q. Yes.

[11] A. Okay.

[12] Q. You understand that that event in  
[13] question occurred on August 30, 2002?

[14] A. Okay.

[15] Q. Do you understand that?

[16] A. Yes.

[17] Q. For how many days, if any, were you  
[18] folks, from Ashland Construction Company, Inc.  
[19] on the premises at 3220 Coachman Road prior to  
[20] August 30, 2002?

[21] A. Okay. To understand the question, are  
[22] you asking me how long this job took me to do?

[23] Q. Yes. For example, did it start on the 25  
[24] of August?

[1] A. No. If I can remember this started, it  
[2] started before this incident happened. I would  
[3] say the job probably started, I would probably  
[4] say about seven days before this incident  
[5] occurred.

[6] Q. What was the job?

[7] A. I'm sorry?

[8] Q. Let me back up a second. Would you have  
[9] documentation to reflect the specifics of the  
[10] job that you were doing there, including the  
[11] day on which it started?

[12] A. No, I don't keep a set of files of when I  
[13] start a job and each day that I'm there, no,  
[14] sir.

[15] Q. Would you have any documentation relating  
[16] to the job that you were doing at this time at  
[17] the 3220 Coachman Road address?

[18] A. When you say documentation, I guess, Mr  
[19] Casey, I don't understand. As far as you mean  
[20] writing each day down I worked there?

[21] Q. No. Do you have any documentation that  
[22] would reflect any work that you did on this  
[23] job?

[24] A. You mean as far as receipts?

[1] A. Air Base Carpet.  
[2] Q. Do you believe you have a copy of a  
[3] cancelled check?  
[4] A. I would have to check.  
[5] MR. SMALL: How would he have a copy  
[6] of a cancelled check?  
[7] BY MR. CASEY:  
[8] Q. I'm sorry. Do you believe you have a  
[9] copy of the check?  
[10] A. I doubt if I have the copy of a check.  
[11] As far as I can answer on that I want to say  
[12] no, until I can go through my files and see.  
[13] Q. How is it that you believe that you  
[14] received a check from Air Base for the job?  
[15] A. I don't understand the question again.  
[16] Q. You answered, when I asked you from what  
[17] source you received a check, you told me from  
[18] Air Base?  
[19] A. Correct.  
[20] Q. Why did you answer that way?  
[21] A. Well, that's where my bill went to, and  
[22] Air Base would have wrote the check to me.  
[23] Q. And you remember that?  
[24] A. Yes.

[1] Q. Any documents. Listen to my question.  
[2] Do you have any documents to reflect the work  
[3] that you did at 3220 Coachman Road?

[4] A. No.

[5] Q. No documents whatsoever?

[6] A. I would have material receipts, if that's  
[7] the question you're asking me.

[8] Q. I'm sorry, you have what?

[9] A. Material receipts.

[10] Q. You have material receipts. Do you have  
[11] any other documents?

[12] A. I mean as far as, I mean, documents as  
[13] far as bills? I don't understand what you're  
[14] asking me. Again, my documents, as far as my  
[15] work is concerned, it would be materials. And  
[16] that's about the extent of it, and my labor.

[17] Q. So you would have documents relating to  
[18] materials and labor?

[19] A. Yes, I would have to research it. I'm  
[20] sure they're in there somewhere.

[21] Q. How were you paid for the job?

[22] A. Through check.

[23] Q. From what source did you receive the  
[24] check?

[1] Q. What was the amount of the job, the  
[2] amount of money that you billed?  
[3] A. I think, I can't remember, ballpark off  
[4] the top of my head, I think it was 13, 14  
[5] thousand.  
[6] Q. What was the job that you were doing in  
[7] this time period, August of 2002, at the  
[8] Coachman Road address?

[9] MR. SMALL: Matt, you seem to be  
[10] getting afield here. I'm going to,  
[11] you're not going into anything with  
[12] jurisdiction in Pennsylvania. You're  
[13] asking him now to describe the entire  
[14] job. That's not what you said you were  
[15] going to go into.

[16] MR. CASEY: I'm going to do that.

[17] MR. SMALL: Matt, then go there.

[18] This is not a discovery deposition.

[19] This is a jurisdiction deposition.

[20] MR. CASEY: I know and I'm going to  
[21] ask him jurisdiction questions once I  
[22] establish a foundation for what they're  
[23] doing.

[24] MR. SMALL: We've been 40 minutes

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[1] establishing a foundation.  
 [2] **MR. CASEY:** No, we haven't, Mike.  
 [3] We've actually established a lot of  
 [4] things on the subject of venue and  
 [5] jurisdiction and I think you know that.  
 [6] If you would, just, I would ask for your  
 [7] indulgence on that, Mike, and your  
 [8] courtesy to let me ask questions. They  
 [9] relate to venue and jurisdiction.

[10] **MR. SMALL:** I've been giving you  
 [11] latitude. I'm going to instruct him not  
 [12] to answer. You can start asking him  
 [13] questions relating to jurisdiction in  
 [14] Pennsylvania. He is not going to  
 [15] describe the job. That is more of a  
 [16] discovery deposition, which is not what  
 [17] we're here for today.

[18] **MR. CASEY:** You're instructing him  
 [19] not to answer the question?

[20] **MR. SMALL:** To describe the job,  
 [21] yes.

[22] **MR. CASEY:** That's fine.

[23] **BY MR. CASEY:**

[24] **Q.** Did you have any contact, during the time

[1] were performing while you were performing it?

[2] **A.** Just, actually just minor little stuff,  
 [3] if he wanted a different way of a curve to be  
 [4] put into the wall or a different pattern of the  
 [5] brick to be laid, that was about the extent of  
 [6] it.

[7] **Q.** I take it the answer to my question is  
 [8] yes and the specifics that you remember related  
 [9] to those two subjects that you just told me  
 [10] about?

[11] **A.** Right, if the scenario of that --

[12] **Q.** I'm sorry?

[13] **A.** If the scenario, yes, that is what it  
 [14] was.

[15] **Q.** Were you supervising the job that was  
 [16] being done at the Coachman Road address?

[17] **A.** That's correct, yes.

[18] **Q.** I would like you to tell me the names of  
 [19] any other persons who assisted you with this  
 [20] job, other than Mr. Ortiz?

[21] **A.** That is all that was there with me.

[22] **Q.** Your recollection is that the job began  
 [23] approximately one week before, correct?

[24] **A.** Correct.

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[1] that you were doing this job, with Richard  
 [2] Longwill?  
 [3] **A.** I mean, I have talked to Richard a couple  
 [4] of times.  
 [5] **Q.** My question is, just try and relax and  
 [6] listen to my question, if you would. Did you  
 [7] have any contact with Richard Longwill during  
 [8] the time that you were doing this job at the  
 [9] Coachman Road address?

[10] **A.** As far as contact, I don't understand.

[11] Did I see his presence? Is that what you're  
 [12] asking me?

[13] **Q.** Why don't you start with that, sure.

[14] **A.** I saw Richard a couple of times when he,  
 [15] actually when he got home but that was about  
 [16] the extent of it.

[17] **Q.** I don't understand what you just told me,  
 [18] sir.

[19] **A.** I mean, I would be out there working and  
 [20] Richard would pop his head through the door and  
 [21] say how you doing, fine. That was the extent  
 [22] of our conversation pretty much.

[23] **Q.** Did you have any specific conversation  
 [24] with Richard Longwill about the job that you

[1] **Q.** And for that span of time, approximately  
 [2] a week before, until August 30, 2002, the only  
 [3] persons working at the job and on the job were  
 [4] yourself and Mr. Ortiz?

[5] **A.** That is correct, sir.

[6] **Q.** Did Ashland Construction Company,  
 [7] Incorporated have any vendors in the  
 [8] Commonwealth of Pennsylvania?

[9] **MR. SMALL:** I object. How would he  
 [10] know -- I'm sorry, never mind.

[11] **THE WITNESS:** Repeat the question.

[12] **BY MR. CASEY:**

[13] **Q.** Did Ashland Construction Company,  
 [14] Incorporated have any vendors in the  
 [15] Commonwealth of Pennsylvania?

[16] **A.** When you say vendors, what do you mean by  
 [17] that? Our supplies, our materials, I don't  
 [18] quite comprehend your question.

[19] **Q.** You don't comprehend it?

[20] **A.** No. When you say vendors, what do you  
 [21] mean?

[22] **Q.** What do you think I mean?

[23] **MR. SMALL:** Well, Matt, --

[24] **THE WITNESS:** Do you want to know

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[1] other business activities?  
[2] A. No, sir.  
[3] Q. How many employees did Ashland  
[4] Construction, Inc. have?  
[5] A. I would say probably a total of between  
[6] five or six people.  
[7] Q. When did the company first come into  
[8] existence?  
[9] A. I would say back in '99.  
[10] Q. Was there a company that preceded it,  
[11] that came before it?  
[12] A. There was Rockford Construction that was  
[13] before that.  
[14] Q. Rockford Construction?  
[15] A. Yes.  
[16] Q. Rockford Construction, Inc. or Rockford  
[17] Construction Company?  
[18] A. No, it was incorporated.  
[19] Q. Rockford Construction, Incorporated?  
[20] A. Yes.  
[21] Q. Spelled R O C K F O R D?  
[22] A. Yes.  
[23] Q. Did you and your brother own that company  
[24] together?

[1] A. I guess I would try the accountant.  
[2] Q. Who is the accountant?  
[3] A. It would have been Dingle and Kane.  
[4] Q. Is that a Wilmington accounting firm?  
[5] A. Yes.  
[6] Q. Have they been your accountants since you  
[7] were with Rockford?  
[8] A. They came in say midway with Rockford.  
[9] Q. And they stayed with you through the  
[10] Ashland Construction Company Inc. phase?  
[11] A. That is correct.  
[12] **MR. CASEY:** Let's take a two minute  
[13] break.  
[14] (Whereupon there was a short  
[15] recess.)  
[16] **BY MR. CASEY:**  
[17] Q. Sir, we took a short break. Are you  
[18] prepared to continue?  
[19] A. Yes.  
[20] Q. At any time during the period you were  
[21] working at the Coachman Road address did Mr.  
[22] Manger come out to the premises?  
[23] A. Couple times he did. That's the extent  
[24] as far as what Mr. Manger came out.

[1] A. Yes, we did.  
[2] Q. Where was that company located?  
[3] A. Same place, 1800 West 11th Street.  
[4] Q. For how long was that company in  
[5] existence prior to 1999?  
[6] A. I would say probably six, seven years, if  
[7] not longer.  
[8] Q. And were you similarly engaged as masonry  
[9] contractors?  
[10] A. Yes.  
[11] Q. Did Rockford Construction do any work in  
[12] the Commonwealth of Pennsylvania?  
[13] A. No, very, again, just a small percentage,  
[14] which we would have done.  
[15] Q. Well, that is two different things. You  
[16] said no and then you said a small percentage.  
[17] I just want to know which one it is?  
[18] A. I mean, I can't remember back that far.  
[19] I can't, I don't know exactly what we would  
[20] have done back that period of time.  
[21] Q. Do you have records from Rockford  
[22] Construction?  
[23] A. I would have to check, I have no clue.  
[24] Q. Who would you check with?

[1] Q. Sir, other than, I want to make sure I'm  
[2] clear. I am not asking you for your specific  
[3] information on this subject, but I just want to  
[4] know generally speaking, whether there is any  
[5] other Pennsylvania entity, besides your  
[6] supplier in Ridley Park, that in the day-to-day  
[7] business of Ashland Construction, you had  
[8] contact with?

[9] A. No. That's it. The farthest we go to  
[10] would be Fazzino's, which would deliver us  
[11] block, that is it as far as suppliers would be  
[12] with us.

[13] Q. Excluding suppliers, I mean any business  
[14] activity of yours, any contacts at all with the  
[15] Commonwealth of Pennsylvania by Ashland  
[16] Construction Company?

[17] A. Correct, yes.

[18] **MR. CASEY:** Those are all the  
[19] questions I have. Thank you.

[20] (Witness excused.)  
[21] (Deposition concluded.)